

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED
January 28, 2025
LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
DEPUTY CLERK

UNITED STATES OF AMERICA)
)
) Case No. 5:01CR30075-001
)
v.) **OPINION AND ORDER**
)
RICHARD L. FULTON,) JUDGE JAMES P. JONES
)
Defendant.)

Jonathan Jones, Assistant United States Attorney, Roanoke, Virginia, for United States; Andrea Harris, Office of the Federal Public Defender, Charlottesville, Virginia, for Movant.

Defendant Richard L. Fulton has filed a motion seeking reduction of his sentence under both 18 U.S.C. § 3582(c)(1)(a) (compassionate release) and 18 U.S.C. § 3582(c)(2) (retroactive guideline amendment).¹ Fulton was sentenced by the late United States District Judge James H. Michael, Jr., on May 21, 2003, for conspiracy to distribute cocaine base, in violation of 21 U.S.C. § 846; and for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Fulton was sentenced to 360 months of imprisonment on the former count and 120 months on

¹ Fulton previously moved for a reduction in his sentence on July 20, 2019, ECF No. 115, and while reduction of his term of imprisonment was denied, the term of his supervised release was reduced to four years. ECF No. 127. He filed a new motion on October 13, 2020, ECF No. 150, which was denied on December 7, 2020. ECF No. 154. He filed another motion on December 19, 2022, ECF No. 167, which he withdrew on January 3, 2023, ECF No. 168, before filing the motion at issue here.

the latter count, to run concurrently. J., ECF No. 55. He contends that a retroactive amendment to the United States Sentencing Guidelines, an unusually long sentence that a similarly situated defendant today would not have been given, intervening changes in the law, his age at the time of sentencing, conditions during his incarceration due to the COVID-19 pandemic, and a consideration of the 18 U.S.C. § 3553(a) factors all require his release.

On January 17, 2025, President Biden commuted the defendant's sentence of imprisonment to expire on July 16, 2025. ECF No. 185. Previously, Fulton's counsel moved for an extension of time to file a supplemental motion for compassionate release. Second Mot. Extension Time, ECF No. 183. I granted Fulton's counsel until February 2, 2025, to submit the supplemental motion. Min. Order, ECF No. 184. However, with the President's commutation, and based on the grounds of the government's opposition, I find that no further reduction would be appropriate even if a supplemental motion were filed and there were sufficient grounds therefor.

Accordingly, it is **ORDERED** that the defendant's motion, ECF No. 171, is DENIED.

ENTER: January 28, 2025

/s/ JAMES P. JONES
Senior United States District Judge